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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/574,010

03/29/2006

Yoshihide Nakane

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OLIFF & BERRIDGE, PLC

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EXAMINER

LAU, KEVIN

ART UNIT

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10/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,010	Applicant(s) NAKANE, YOSHIHIDE	
	Examiner KEVIN LAU	Art Unit 2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/10/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-12 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/08/2009 and 3/29/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-12 are pending in this application.

Response to Amendment

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **European Patent No. EP 1 286 297 A1 to Nakamura** in view of **U.S. Patent No. 5,790,043 to Hettich et al.**

As per claim 6, Nakamura discloses an anti-theft system for a vehicle, comprising: certifying means of an electronic key for getting in the vehicle, the means being for certifying the electronic key held by a person who intends to get in the vehicle; **(Paragraph 19)** human body certification information certifying means, the means being for confirming human body certification information of the person; **(Paragraph 19)** door lock control means for unlocking a vehicle door in a case where the electronic key is certified by the certifying means of the electronic key for getting in the vehicle **(Paragraph 40)** and the human body certification information of the person is confirmed by the human body certification information certifying means in a state where the door is locked; **(Paragraph 87: the door would have to be locked before it can**

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be unlocked) writing means for writing information that the human body certification information is confirmed in the electronic key as readable or delete-able information, when the vehicle door is unlocked by the door lock control means based on the electronic key being certified by the certifying means of the electronic key for getting in the vehicle and the human body certification information of the person being confirmed by the human body certification information certifying means; **(Paragraph 35 and 36)** certifying means of an electronic key for starting an engine, the means being for certifying the electronic key held by a person who intends to start the engine; and **(Paragraph 41)** engine starting control means for starting the engine of the vehicle in a case where the electronic key is certified by the certifying means of the electronic key for starting the engine and the information that the human body certification information is certified is written in the electronic key, after the vehicle door is unlocked by the door control means. **(Paragraph 41)**.

Nakamura does not disclose certifying the electronic key based on detection of approaching detecting means receiving a signal.

Hettich discloses certifying the electronic key based on detection of approaching detecting means receiving a signal **(col. 2 lines 3-16: the transponder signal determines the distance of the user through the use of a short range signal, hence the control is valid only when the user is at a certain distance)**.

At the time of invention, it would have been obvious to a person with ordinary skill in the art to use Hettich's approach detection for certifying a key in Nakamura's door lock system with reasonable expectation that this would result in a door lock system that

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unlocks a door only when the user is at a certain distance. This method was within the ordinary ability of one of ordinary skill in the art based on the teachings of Hettich because it is used to prevent unintentional unlocking of the doors **(col. 1 lines 19-23)**.

As per claim 12, Nakamura discloses an anti-theft system for a vehicle, comprising: certifying means of an electronic key for starting a vehicle engine, the means being for certifying the electronic key held by a person who intends to start the vehicle; **(Paragraph 41)** human body certification information certifying means, the means being for confirming human body certification information of the person; **(Paragraph 19)** engine starting control means for starting the engine in a case where the electronic key is certified by the certifying means of the electronic key for starting the engine and the human body certification information of the person is confirmed by the human body certification information certifying means in a state where the engine is stopped running; **(Paragraph 41)** writing means for writing information that the human body certification information is confirmed to the electronic key as readable or delete-able information, when the engines is started by the engine starting control means based on the electronic key being certified by the certifying means of the electronic key for starting the engine and the human body certification information of the person being confirmed by the human body certification information certifying means; **(Paragraph 35 and 36)** certifying means of an electronic key for getting in the vehicle, the means being for certifying the electronic key held by a person who intends to get in the vehicle; and **(Paragraph 40)** door locking control means for unlocking the door in a case where the

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electronic key is certified by the certifying means of the electronic key for getting in the vehicle **(Paragraph 40)** and information that the human body certification information is confirmed is written in the electronic key, **(Paragraph 87)** after the engine is started by the engine starting control means. **(Paragraph 126)**

Nakamura does not disclose certifying the electronic key based on detection of approaching detecting means receiving a signal.

Hettich discloses certifying the electronic key based on detection of approaching detecting means receiving a signal **(col. 2 lines 3-16: the transponder signal determines the distance of the user through the use of a short range signal, hence the control is valid only when the user is at a certain distance)**.

At the time of invention, it would have been obvious to a person with ordinary skill in the art to use Hettich's approach detection for certifying a key in Nakamura's door lock system with reasonable expectation that this would result in a door lock system that unlocks a door only when the user is at a certain distance. This method was within the ordinary ability of one of ordinary skill in the art based on the teachings of Hettich because it is used to prevent unintentional unlocking of the doors **(col. 1 lines 19-23)**.

Claim 1 rejected under 35 U.S.C. 103(a) as being unpatentable over **European Patent No. EP 1 286 297 A1 to Nakamura** in view of **U.S. Patent No. 5,790,043 to Hettich et al.** and in further view of **U.S. Patent No. 5,760,701 to Mitsumoto**.

As per claim 1, Nakamura discloses an anti-theft system for a vehicle, comprising: certifying means of an electronic key for getting in the vehicle, the means

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being for certifying the electronic key held by a person who intends to get in the vehicle;

(Paragraph 19) human body certification information certifying means, the means being for confirming human body certification information of the person; **(Paragraph 19)**

door lock control means for unlocking a vehicle door in a case where the electronic key is certified by the certifying means of the electronic key for getting in the vehicle

(Paragraph 40) and the human body certification information of the person is confirmed by the human body certification information certifying means in a state where the door is locked; **(Paragraph 87: the door would have to be locked before it can be unlocked)**

... the vehicle door is unlocked by the door lock control means based on the electronic key being certified by the certifying means of the electronic key for getting in the vehicle **(Paragraph 40)** and the human body certification information of the person is confirmed by the human body certification information certifying means; **(Paragraph 87)**

certifying means of an electronic key for starting an engine, the means being for certifying the electronic key held by a person who intends to start the engine; and **(Paragraph 41)** engine starting control means for starting the engine of the vehicle in a case where the electronic key is certified by the certifying means of the electronic key for starting the engine and the electronic key is an electronic key whose ID information is memorized in the memory means, after the vehicle door is unlocked by the door lock control means. **(Paragraph 41)**

But does not disclose certifying the electronic key based on detection of approaching detecting means receiving a signal and memory means for memorizing ID

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information of the electronic key when the vehicle door is unlocked by the door lock control means.

Hettich discloses certifying the electronic key based on detection of approaching detecting means receiving a signal **(col. 2 lines 3-16: the transponder signal determines the distance of the user through the use of a short range signal, hence the control is valid only when the user is at a certain distance).**

At the time of invention, it would have been obvious to a person with ordinary skill in the art to use Hettich's approach detection for certifying a key in Nakamura's door lock system with reasonable expectation that this would result in a door lock system that unlocks a door only when the user is at a certain distance. This method was within the ordinary ability of one of ordinary skill in the art based on the teachings of Hettich because it is used to prevent unintentional unlocking of the doors **(col. 1 lines 19-23).**

Nakamura in view of Hettich does not disclose memory means for memorizing ID information of the electronic key when the vehicle door is unlocked by the door lock control means.

However Mitsumoto discloses memory means for memorizing ID information of the electronic key when the vehicle door is unlocked by the door lock control means **(Fig. 2: The vehicle door is unlocked 106 and eventually enters ID registration mode 114. col. 3 line 4: "In the ID code registration mode, the ID code transmitted from the mobile transmitter 10 is, registered in the memory 24.")**

At the time of invention, it would have been obvious to a person with ordinary skill in the art to use Mitsumoto's memory means in memorizing the ID code after the door is

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unlocked in Nakamura in view of Hettich's door lock system with reasonable expectation that this would result in a door lock system that memorized ID information of a key after the doors were unlocked. This method was within the ordinary ability of one of ordinary skill in the art based on the teachings of Mitsumoto because it is cheaper than using a switch to detect the presence of the key while the engine is running. **(col. 1 lines 17-23)**.

Claim 2 and 3 rejected under 35 U.S.C. 103(a) as being unpatentable over **European Patent No. EP 1 286 297 A1 to Nakamura** in view of **U.S. Patent No. 5,790,043 to Hettich et al.** in further view of **U.S. Patent No. 5,760,01 to Mitsumoto** and in further view of **U.S. Patent No. 5,229,648 to Sues et al.**

As per claim 2 in reference to claim 1, Nakamura in view of Hettich in further view of Mitsumoto teach claim 1. Nakamura discloses an anti-theft system for a vehicle as claimed in claim 1,

Nakamura, Hettich and Mitsumoto do not disclose wherein the memory means memorizes, in advance, a maximum number of times for permitting starting the engine after the door is unlocked by the door lock control means

Sues discloses wherein the memory means memorizes, in advance, a maximum number of times for permitting starting the engine after the door is unlocked by the door lock control means **(col. 3 line 42)**

Nakamura discloses the engine starting control means allows starting the engine for the permitted maximum number of times memorized in the memory means by the

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electronic key which is certified by the certifying means of the electronic key for starting the engine and whose ID information is memorized in the memory means, after the door is unlocked by the door lock control means. **(Paragraph 41)**

At the time of invention, it would have been obvious to a person with ordinary skill in the art to use Sues' system for allowing a predetermined number of starts in Nakamura, Hettich and Mitsumoto's immobilizer storage section of the anti-theft system to improve the system with reasonable expectation that this would result in a vehicle that allowed only a certain number of starts. This method for improving Nakamura, Hettich and Mitsumoto's system was within the ordinary ability of one of ordinary skill in the art based on the teachings of Sues because it would discourage thieves to steal the vehicle since the vehicle can only be used a certain number of times before needing to reset the number for allowing vehicle starts, this would cause the car to have no resale value. **(col. 4 lines 16-21)**

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Nakamura, Hettich, Mitsumoto and Sues et al. to obtain the invention as specified in claim 2.

As per claim 3 in reference to claim 2, Nakamura in view of Hettich and in further view of Mitsumoto teach claim 2.

Sues discloses wherein the memory means memorizes, in advance, a maximum number of times for permitting starting the engine **(col. 3 line 42)** after the door is

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unlocked by the door lock control means, the maximum number being set for every electronic key which is certified and registered, and **(col. 6 lines 46-48)**

Nakamura discloses the engine starting control means allows starting the engine for the permitted maximum number of times memorized in the memory means by the electronic key which is certified by the certifying means of the electronic key for starting the engine and whose ID information is memorized in the memory means, the maximum number corresponding to the electronic key and being memorized in the memory means, after the door is unlocked by the door locking control means. **(Paragraph 41)**

Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over **European Patent No. EP 1 286 297 A1 to Nakamura** in view of **U.S. Patent No. 5,790,043 to Hettich et al.** and in further view of **U.S. Patent No. 5,760,01 to Mitsumoto** in further view of **U.S. Patent No. 5,229,648 to Sues et al.** and **U.S. Publication No. 2002/0043566 to Goodman et al.**

As per claim 4 in reference to claim 1, Nakamura in view of Hettich and in further view of Mitsumoto teach claim 1.

Sues discloses wherein the memory means memorizes, in advance, a maximum number of times for permitting starting the engine **(col. 3 line 42)** after the door is unlocked by the door lock control means, the maximum number being set for every person who is certified and registered **(col. 6 lines 46-48)**

Nakamura discloses the engine starting control means allows starting the engine for the permitted maximum number of times memorized in the memory means by the

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electronic key which is certified by the certifying means of the electronic key for starting the engine and whose ID information is memorized in the memory means,..., after the door is unlocked by the door locking control means. **(Paragraph 41)**

However, Nakamura, Hettich, Mitsumoto, and Sues do not disclose the maximum number corresponding to the person whose human body certification information is confirmed by the human body information certifying means at the time when the door is unlocked by the door locking control means.

Goodman discloses the maximum number corresponding to the person whose human body certification information is confirmed by the human body information certifying means at the time when the door is unlocked by the door locking control means, the maximum number being memorized in the memory means. **(Paragraph 22)**

At the time of invention, it would have been obvious to a person with ordinary skill in the art to use Goodman's biometric transaction means with a limited number of activations in Nakamura, Hettich, Mitsumoto, and Sues' anti-theft system using biometric verification to improve the system with reasonable expectation that this would result in a car security system that allowed a preset number of biometric certification for unlocking the door. This method for improving Nakamura, Hettich, Mitsumoto, and Sues' anti-theft system was within the ordinary ability of one of ordinary skill in the art based on the teachings of Goodman because it would help prevent fraudulent access to the car. **(Paragraph 6)**

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Nakamura, Hettich, Mitsumoto, and Sues' and Goodman to obtain the invention as specified in claim 4.

Claim 7 rejected under 35 U.S.C. 103(a) as being unpatentable over **European Patent No. EP 1 286 297 A1 to Nakamura** in view of **U.S. Patent No. 5,790,043 to Hettich et al.** and in further view of **U.S. Patent No. 5,861,816 to Funakoshi et al.**

As per claim 7, Nakamura discloses an anti-theft system for a vehicle, comprising: certifying means of an electronic key for starting a vehicle engine, the means being for certifying the electronic key held by a person who intends to start the vehicle; **(Paragraph 19)** human body certification information certifying means, the means being for confirming human body certification information of the person; **(Paragraph 19)** engine starting control means for starting the engine in a case where the electronic key is certified by the certifying means of the electronic key for starting the engine **(Paragraph 41)** and the human body certification information of the person is confirmed by the human body certification information certifying means in a state where the engine is stopped running; **(Fig: 7: the vehicle checks the inputted biometric information S98 before unlocking the engine immobilizer in S99)**
... engine is started by the engine starting control means based on the electronic key being certified by the certifying means of the electronic key for starting the engine and the human body certification information of the person being confirmed by the human body certification information certifying means; **(Paragraph 41)** certifying means of an

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electronic key for getting in the vehicle, the means being for certifying the electronic key held by a person who intends to get in the vehicle; and **(Paragraph 19)** door locking control means for unlocking the door in a case where the electronic key is certified by the certifying means of the electronic key for getting in the vehicle and the electronic key is an electronic key whose ID information is memorized in the memory means, after the engine is started by the engine starting control means. **(Paragraph 40)**

But does not disclose certifying the electronic key based on detection of approaching detecting means receiving a signal.

Hettich discloses certifying the electronic key based on detection of approaching detecting means receiving a signal **(col. 2 lines 3-16: the transponder signal determines the distance of the user through the use of a short range signal, hence the control is valid only when the user is at a certain distance)**.

At the time of invention, it would have been obvious to a person with ordinary skill in the art to use Hettich's approach detection for certifying a key in Nakamura's door lock system with reasonable expectation that this would result in a door lock system that unlocks a door only when the user is at a certain distance. This method was within the ordinary ability of one of ordinary skill in the art based on the teachings of Hettich because it is used to prevent unintentional unlocking of the doors **(col. 1 lines 19-23)**.

However Nakamura does not disclose certifying the electronic key based on detection of approaching detecting means receiving a signal and memory means for memorizing ID information of the electronic key when the engine is started by the engine starting control means.

Hettich discloses certifying the electronic key based on detection of approaching detecting means receiving a signal **(col. 2 lines 3-16: the transponder signal determines the distance of the user through the use of a short range signal, hence the control is valid only when the user is at a certain distance).**

Nakamura in view of Hettich does not disclose memory means for memorizing ID information of the electronic key when the engine is started by the engine starting control means.

Funakoshi discloses memory means for memorizing ID information of the electronic key when the engine is started by the engine starting control means **(col. 5 lines 19-22)**

At the time of invention, it would have been obvious to a person with ordinary skill in the art to use Funakoshi's memory for memorizing the ID information after the engine has started in Nakamura's storage section for the immobilizer ID to improve the system with reasonable expectation that this would result in a system that could memorize the identification codes of the keys that were used to start the car. This method for improving Nakamura was within the ordinary ability of one of ordinary skill in the art based on the teachings of Funakoshi because as summarized in Funakoshi the comparison of the key ID to a stored value to obtain a match will result in a more secure and reliable vehicle access system.

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Nakamura, Hettich, and Funakoshi to obtain the invention as specified in claim 7.

Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over **European Patent No. EP 1 286 297 A1 to Nakamura** in view of **U.S. Patent No. 5,790,043 to Hettich et al.** and in further view of **U.S. Patent No. 5,861,816 to Funakoshi et al.** as applied to claim 7 above, and in further view of **U.S. Publication No. US 2002/0097141 to Denison et al.**

As per claim 8 in reference to claim 7, Nakamura in view of Hettich and in further view of Funakoshi teach claim 7. Nakamura, Hettich, and Funakoshi discloses an anti-theft system for a vehicle as claimed in claim 7,

Denison discloses wherein the memory means memorizes, in advance, a maximum number of times for permitting unlocking the door after the engine is started by the engine starting control means. **(Paragraph 105)**

Nakamura discloses the door locking control means allows unlocking the door for the permitted maximum number of times memorized in the memory means by the electronic key which is certified by the certifying means of the electronic key for getting in the vehicle and whose ID information is memorized in the memory means, after the engine is started by the engine starting control means. **(Paragraph 40)**

However, Nakamura, Hettich, and Funakoshi do not disclose wherein the memory means memorizes, in advance, a maximum number of times for permitting unlocking the door after the engine is started by the engine starting control means.

At the time of invention, it would have been obvious to a person with ordinary skill in the art to use Denison's master key that allows a limited number of uses for unlocking

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an electronic lock in Nakamura and Denison's door lock control system for the anti-theft system for the vehicle to improve the system with reasonable expectation that this would result in a door lock system that can only open a limited number of times with a specified key. This method for improving Nakamura, Hettich, and Funakoshi was within the ordinary ability of one of ordinary skill in the art based on the teachings of Denison because it prevents unauthorized usage of the keys. **(Paragraph 106)**

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Nakamura, Hettich, Funakoshi, and Denison to obtain the invention as specified in claim 8.

As per claim 9 in reference to claim 7, N Nakamura in view of Hettich and in further view of Funakoshi teach claim 7. Nakamura, Hettich, and Funakoshi discloses an anti-theft system for a vehicle as claimed in claim 7.

Denison discloses wherein the memory means memorizes, in advance, a maximum number of times for permitting unlocking the door after the engine is started by the engine starting control means, the maximum number of times being set for every electronic key which is certified and registered. **(Paragraph 105)**

Nakamura discloses the door locking control means allows unlocking the door for the permitted maximum number of times memorized in the memory means by the electronic key which is certified by the certifying means of the electronic key for getting in the vehicle and whose ID information is memorized in the memory means, the maximum number corresponding to the electronic key and being memorized in the

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memory means, after the vehicle is started by the engine starting control means.

(Paragraph 40)

As per claim 11 in reference to claim 8, Nakamura in view of Hettich Funakoshi teach claim 8.

Denison discloses wherein the door locking control means includes permission number reducing means for reducing the number of time of permission for unlocking the door by using the electronic key which is certified by the certifying means of the electronic key for getting in the vehicle and whose ID information is memorized in the memory means, when the vehicle door is unlocked and then opened. **(Paragraph 105)**

Claim 10 rejected under 35 U.S.C. 103(a) as being unpatentable over **European Patent No. EP 1 286 297 A1 to Nakamura** in view of **U.S. Patent No. 5,790,043 to Hettich et al.** and in further view of **U.S. Patent No. 5,861,816 to Funakoshi et al.** as applied to claim 7 above, and in further view of **U.S. Publication No. US 2002/0097141 to Denison et al.**, and in further view of **U.S. Publication No. 2002/0043566 to Goodman et al.**

As per claim 11 in reference to claim 7, Nakamura in view of Hettich and in further view of Funakoshi teach claim 7.

Denison discloses wherein the memory means memorizes, in advance, a maximum number of times for permitting unlocking the door after the engine is started

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by the engine starting control means, the maximum number being set for every person who is certified and registered, and **(Paragraph 105)**

Nakamura discloses the door locking control means allows unlocking the door for the permitted maximum number of times memorized in the memory means by the electronic key which is certified by the certifying means of the electronic key for getting in the vehicle and whose ID information is memorized in the memory means,... after the engine is started by the engine starting control means. **(Paragraph 41)**

However, Nakamura, Fukanoshi, Hettich, and Denison do not disclose the maximum number corresponding to the person whose human body certification information is confirmed by the human body information certifying means at the time when the engine is started by the engine starting control means, the maximum number being memorized in the memory means.

Goodman discloses the maximum number corresponding to the person whose human body certification information is confirmed by the human body information certifying means at the time when the engine is started by the engine starting control means, the maximum number being memorized in the memory means. **(Paragraph 22)**

At the time of invention, it would have been obvious to a person with ordinary skill in the art to use Goodman's biometric transaction means with a limited number of activations in Nakamura, Fukanoshi, Hettich, and Denison's anti-theft system using biometric certification to start the engine to improve the system with reasonable expectation that this would result in a biometric certification system that allowed the

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user to start the engine a preset number of times. This method for improving Nakamura, Fukanoshi, Hettich, and Denison was within the ordinary ability of one of ordinary skill in the art based on the teachings of Goodman because **(Paragraph 6)**

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Nakamura, Fukanoshi, Hettich, Denison, and Goodman to obtain the invention as specified in claim 10.

Response to Arguments

Applicant's arguments filed 6/10/2009 have been fully considered but they are not persuasive.

In response to applicant's arguments on page 10 regarding claims 6, 7, and 12 concerning the case where the electronic key having the ID is so that starting the engine, or the like, is permitted with only a single check, the examiner respectfully disagrees. The claims state "engine starting control means for starting the engine in a case where the electronic key is certified by the certifying means of the electronic key for starting the engine **and** the human body certification information of the person is confirmed by the human body certification information certifying means", and therefore uses both checks to start the engine. Regarding claim 1, the claim language does not claim that the starting the engine is based solely on the single check of the ID, the claim language uses the word comprising which means including but not limited to.

Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claim 5 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN LAU whose telephone number is (571)270-5168. The examiner can normally be reached on M-F 9:30 am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian A. Zimmerman can be reached on (571) 272-3059. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KL/

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